



July 24, 2020

HAND DELIVERY

Mathew Stahley, Senior Planner
Martin County Growth Management Department
2401 S.E. Monterey Road
Stuart, FL 34996

**RE: Seaward Boat Storage – Major Final Site Plan – Second Resubmittal in Response to Staff Comments Dated March 12, 2020
(MC Project #P163-003; Lucido #17-475)**

Dear Matthew:

In response to the above-referenced staff comments received on June 5, 2020, please find enclosed the original resubmittal packet containing the documents and plans referenced below, and a CD with PDF copies of the resubmitted materials, and an additional set of the 24x36 plans.

The enclosed revised materials are listed as follows:

1. Revised Title Commitment;
2. Reliance letter for Phase 1 Environmental Assessment;
3. Alternative compliance request;
4. Updated survey;
5. Updated site plan;
6. Updated tree inventory plan;
7. Updated landscape plan.

The application materials have been revised as outlined in the following itemized responses to the staff comments as discussed during the workshop and in follow up meetings with county staff.

Itemized Responses to Staff Comments

Land Use and Zoning

Item #1:

Please revise the stand-alone legal description that will be attached to the development order along with the site plan perimeter project boundary to less and except the Right-of-Way dedication area.

Response

The stand-alone legal description that was provided with the previous submittal has been confirmed as acceptable by Martin County staff.

Item #2.1:

Please change “Revised Final Site Plan” to “Final Site Plan”

Response

The site plan has been updated to change “Revised Final Site Plan” to “Final Site Plan.”

Item #2.2:

Please label the proposed Right-of-Way dedication area as “Right-of-Way to be dedicated to Martin County”

Response

The proposed right-of-way dedication area has been labeled accordingly.

Item #3:

Alternative Compliance: An applicant for development approval may submit a site, landscape, or architectural plan which varies from the requirements of this division 6 in order to accommodate unique circumstances of the proposed development site. Such alternative plan may include offers by the applicant to mitigate or offset the impacts of the alternative design. Such alternative plan may be approved only after having been reviewed by the appropriate Neighborhood Advisory Committee and upon a finding by the Growth Management Director that the alternative plan fulfills the purpose and intent of this division 6 as well as or more effectively than adherence to the strict requirements of this division 6 and would help carry out specific goals or objectives outlined in the particular CRA plan.

Appropriate justifications for approving alternative plans include but are not limited to:

1. The resolution of site constraints associated with the incorporation of new buildings and structures on sites developed prior to the adoption of Redevelopment Overlay Districts.
2. The utilization of existing site characteristics, such as historical or archaeological features, topography, scenic views or native vegetation.
3. Improve or provide integration of proposed development with the surrounding off-site development.
4. The preservation of the historical or archaeological features of the area.

Response

The applicant is requesting alternative compliance for the proposed landscape. Please see the included alternative compliance statement.

Property Management

Item #1:

Proposed Policy Amount should be \$17,500.00

Response

The insurable amount has been updated to \$17,500.

Item #2:

The Sketch and Legal requires revisions per the Surveying Division. The Survey was not prepared with the benefit of the Title Commitment and does not include the Commitment Number, Name of the Title Company and Date and Time of the Commitment

Response

The survey was prepared with benefit of the Title Commitment. The survey was updated to include the commitment number, name of the title company, and the time of the commitment.

Item #3:

The ESA does not state that Martin County can rely on the results of the report. A letter can be provided from the ESA firm indicating that Martin County can rely on the results.

Response

A reliance letter from ProTech Assessments, Inc has been provided with this resubmittal.

Property Management

Item #1:

Please explain why 13 trees are not provided and what the basis is for Alternative Compliance.

Response

Please see the included alternative compliance request. The provided landscape plan and tree inventory plan has been updated to show the proposed loading area.

Community Redevelopment Area

Item #1:

A minimum of one loading space must be provided for all buildings that receive or ship goods via semitrailer or trucks larger than 20 feet in length. The space must not obstruct or hinder the movement of vehicles or pedestrians. Martin Co., LDR, § 3.262.8. Please show on the Site Plan the location and dimensions of the loading space.


Response

We have provided one loading area on the site plan.

I trust these responses and the revised plans satisfactorily address the comments contained in the staff report and allow this project to move forward to the County Commission meeting.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Fitzwater".

Doug Fitzwater, RLA

Encl.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

Schedule A

Transaction Identification Data for reference only:

Commitment Number: 872465	Revision Number: None	Issuing Office File Number: 20-064	Issuing Office: 1975101
Property Address: Stuart, FL	Loan ID Number:	ALTA Universal ID: None	Issuing Agent: Joseph D. Grosso, Jr. P.A.

1. Commitment Date: **April 1, 2020 at 11:00 PM**

2. Policy to be Issued: Proposed Policy Amount:

OWNER'S: **ALTA Owner's Policy (06/17/06). (With Florida Modifications)** \$17,500

Proposed Insured: **Martin County, a political subdivision of the State of Florida**

MORTGAGEE:

Proposed Insured:

MORTGAGEE:

Proposed Insured:

3. The estate or interest in the Land described or referred to in this Commitment is **FEE SIMPLE** (Identify estate covered, i.e., fee, leasehold, etc.)

4. Title to the estate or interest in the Land is at the Commitment Date vested in:
Genie Investment Company, an Arizona corporation

5. The Land is described as follows:
See Exhibit A

Old Republic National Title Insurance Company

400 Second Avenue South, Minneapolis, Minnesota 55401, (612) 371-1111

AUTHORIZED SIGNATORY

Joseph D. Grosso, Jr. P.A.

1975101

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

Schedule B-I

Issuing Office File Number: 20-064

Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
 - A. Warranty Deed from Genie Investment Company, an Arizona corporation, to the proposed insured purchaser(s).
5. An update of the title search must be completed just prior to the closing and the commitment must be endorsed to require clearance of, or take exception for, any additional title defects or adverse matters found.
6. Satisfactory evidence must be furnished establishing that Genie Investment Company, is duly organized, validly existing, and in good standing under the laws of the jurisdiction of formation from the date of acquisition through the date of transfer.
7. If there is no governmental agency in charge of business entity records from which a certificate of good standing can be obtained, then an attorney or notary public in the state or country of origin, who has examined the appropriate business entity records, can provide the certificate. In addition to the requirements set forth for Florida entities, compliance with any requirements necessitated by the laws of the foreign jurisdiction with regard to the specific entity involved in the transaction to be insured must be confirmed.
8. Certified copy of corporate charter or articles of incorporation and any amendments in the language of the place of origin with a verified translation must be placed of record. Record corporate resolution authorizing the sale and conveyance [or mortgage]and confirming the authority of the director, officer, or nominee who will be signing the deed.
9. Confirm compliance with any requirements necessitated by the laws of the foreign jurisdiction of formation; the proper persons to execute the instrument(s) to be insured; and that the corporation is not a debtor in bankruptcy. This may require a legal opinion from an attorney licensed to practice law in the foreign jurisdiction.
10. Record certificate of incumbency certifying who the directors and officers, if any, are. If there is no governmental agency in charge of corporate records from which the certificate can be obtained, then an attorney or notary public in the state or country of origin, who has examined the appropriate corporate records, can provide the certificate. If the law of the foreign jurisdiction recognizes an authority other than an attorney or notary public for purposes of making such certification, then such other authority is acceptable.

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OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

Schedule B-I

Issuing Office File Number: 20-064

11. If the instrument to be insured is to be executed by any person other than the President, Vice President, or Chief Executive Officer, a resolution authorizing said person to execute the instrument on behalf of the corporation must be furnished.
12. Satisfactory evidence must be furnished establishing that the subject property is being sold in the usual and regular course of business and in compliance with the articles of incorporation; if it is not, satisfactory evidence must be provided complying with 607.1202, F.S.
13. Resolution by the Board of County Commissioners of Martin County, Florida, accepting the conveyance to be insured herein.
14. FOR INFORMATIONAL PURPOSES ONLY, the following constitutes a 24-month Chain of Title preceding the effective date hereof and constitutes conveyances and transfers of ownership only: 3024/2076.

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OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

Schedule B-II

Issuing Office File Number: 20-064

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Commitment Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
2.
 - a. General or special taxes and assessments required to be paid in the year **2020** and subsequent years.
 - b. Rights or claims of parties in possession not recorded in the Public Records.
 - c. Any encroachment, encumbrance, violation, variation or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
 - d. Easements or claims of easements not recorded in the Public Records.
 - e. Any lien, or right to a lien, for services, labor or material furnished, imposed by law and not recorded in the Public Records.
3. Any Owner's Policy issued pursuant hereto will contain under Schedule B the following exception: *Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the Land insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.*
4. Any lien provided by County Ordinance or by Chapter 159, F.S., in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.
5. Ordinance No. 626 recorded in O.R. Book 1702, Page 2692, Public Records of Martin County, Florida.
6. All matters contained on the Plat of Miles or Hanson Grant, as recorded in Plat Book 1, Page 11, Public Records of Palm Beach (now Martin) County, Florida.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
COMMITMENT
Exhibit A

Commitment Number:

872465

Issuing Office File Number:

20-064

A PARCEL OF LAND LYING IN THE HANSON GRANT, AND BEING FURTHER DESCRIBED AS FOLLOWS:

A PORTION OF THE NORTH 100 FEET OF THAT 200 FOOT TRACT LYING NORTH OF BLOCK 68, PLAT OF PORT SALERNO, AS RECORDED IN PLAT BOOK 5, PAGE 16, PUBLIC RECORDS OF PALM BEACH, (NOW MARTIN), COUNTY, FLORIDA AND ALSO SHOWN ON THE PLAT OF THE TOWN OF SALERNO, AS RECORDED IN PLAT BOOK 1, PAGE 75, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF S.E. DIXIE HIGHWAY AND THE SOUTHERLY RIGHT-OF-WAY LINE OF S.E. SEAWARD STREET; THENCE NORTH 69°24'17" EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY OF S.E. SEAWARD STREET, FOR A DISTANCE OF 29.64 FEET; THENCE, DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 09°13'18" WEST, FOR A DISTANCE OF 24.86 FEET; THENCE SOUTH 50°57'41" EAST, FOR A DISTANCE OF 90.90 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 100 FEET OF THE SOUTH 200 FEET; THENCE SOUTH 69°24'17" WEST, ALONG SAID SOUTH LINE, FOR A DISTANCE OF 4.64 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF S.E. DIXIE HIGHWAY; THENCE NORTH 50°57'41" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY OF S.E. DIXIE HIGHWAY, FOR A DISTANCE OF 115.90 FEET, TO THE POINT AND PLACE OF BEGINNING.



PROTE-2

OP ID: SF

CERTIFICATE OF LIABILITY INSURANCEDATE (MM/DD/YYYY)
04/17/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER TCC Associates, Inc. PO Box 11975 Fort Lauderdale, FL 33339-1975 Thomas C Cundy, Jr.		954-565-1117		CONTACT NAME: Thomas C Cundy, Jr. PHONE (A/C, No, Ext): 954-565-1117 FAX (A/C, No): 954-565-1131 E-MAIL ADDRESS:	
INSURED Pro Tech Assessments, Inc. Attn: Leslie Dobbs 934 N. University Dr. Ste. 225 Coral Springs, FL 33071-7029		INSURER(S) AFFORDING COVERAGE INSURER A: Evanston Insurance Co		NAIC # 03759	
		INSURER B:			
		INSURER C:			
		INSURER D:			
		INSURER E:			
		INSURER F:			


COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Pollution Liab GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			MKLV2ENV101161 MKLV2ENV101161	05/01/2019 05/01/2019	05/01/2020 05/01/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			MKLV2ENV101161	05/01/2019	05/01/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Professional Liab			MKLV2ENV101161	05/01/2019	05/01/2020	Per Claim 1,000,000
A	CLAIMS MADE BASIS			RETRO DATE-05/01/98	05/01/2019	05/01/2020	Aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

MARTIN2 Martin County Public Works, Real Property Division 2401 SE Monterey Road Stuart, FL 34996	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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Seaward Boat Storage

Alternative Compliance Request

Seward Boat Storage is requesting alternative compliance from Section 3.262.I.3.a of the Port Salerno CRA landscape code which requires one tree per thousand square feet of total site area. This landscape requirement would require 40 trees to be planted on site. The applicant has provided a total 27 trees on site and is requesting alternative compliance for 13 unplanted trees.

The applicant has provided additional landscape items to offset the request to reduce the number of required trees. The applicant has preserved three trees on site, each with a 16" diameter at breast height. The Port Salerno Landscape Code values each preserved tree as a single tree credit, however if this project was outside of the Port Salerno CRA the total value for the preserved trees would be nine credits each for a total of 27 credits, which exceeds the alternative compliance request of 13 trees.

In addition to the three trees preserved on-site, the applicant will provide both a decorative aluminum fence and hedge along SE Seaward Street and SE Dixie Highway. Section 3.262.I.4.b.(3) of the Port Salerno landscape code requires either a wall, fence, or hedge around all vehicular use areas. The applicant will exceed this minimum requirement by providing both a decorative aluminum fence and a hedge.